

## REMARKS

Claims 17-31 are pending in the application.

By the foregoing Amendment, claim 21 is amended to define the elevator cup in greater detail and for better consistency with the specification. Claim 22 is amended for better consistency with claim 21 and with the specification. Claim 29 is amended to depend from claim 21 and for better consistency with claim 21. These changes are believed not to introduce new matter, and entry of the Amendment is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

### Allowable Subject Matter

Applicant thanks the Examiner for his indication that claims 23, 30, and 31 are allowable.

### Rejections under 35 U.S.C. § 103

#### 1. Claims 17-22

On page 2 of the Office Action, claims 17-22 were rejected under section 103(a) as being unpatentable over Arai in view of Peltier, and further in view of Herzog. This rejection is believed to be overcome by the amendment of claim 21.

Claim 21 as amended now recites that the elevator cup has interconnected first, second, and third sidewalls, a bottom wall, and a fourth sidewall connected to the bottom wall, wherein the interconnected first, second, and third sidewalls are pivotally mounted on a pivot point on the fourth

sidewall for release of product from the elevator cup to a delivery port. pivot around pivot point. This arrangement of the elevator cup is not taught or suggested by any of the prior art of record. Accordingly, it is respectfully submitted that the invention as recited in claim 21 and claims 1-20 and 22 depending therefrom is patentable over Arai in view of Peltier, and further in view of Herzog; and that the rejection should be withdrawn

2. Claims 24-28

On page 3 of the Office Action, claims 24-28 were rejected under section 103 as being unpatentable over Arai and Peltier, further in view of Herzog, and further in view of Sorensen. This rejection is believed to be overcome with respect to claims 24-27 by the amendment of claim 21 for the reason discussed above with respect to the rejection of claim 21. This rejection is respectfully traversed with respect to claim 28 as being based upon a combination of references that neither teaches nor suggests the claimed invention.

The Office Action states with respect to claim 28 that “Aria as modified by Peltier and further modified by Herzog discloses the material in canceled claims 16, 24, and 25 and incorporated in claim 28.” Referring back to the Office Action dated April 28, 2006, it is stated that “Sorensen teaches the mounting of the transportation mechanism to the movable door of a vending machine.” It is respectfully submitted that this characterization of Sorensen’s teachings is in error.

Sorensen’s vending machine 20 generally comprises an outer chassis 22 and a front hinged door panel 20, which together define an inner cavity 25. Column 8, lines 34-39. The chassis 22 is supported by an internal frame assembly, shown in Figure 4. Column 9, 18-20. Figure 4 of Sorensen “is a top, right, front perspective view of the support frame structure of the vending

machine of FIG. 1 with the outer chassis and door removed, illustrating the robotic beverage capture assembly attached thereto, and one vertical support beam of the beverage tray assembly of FIGS. 1 and 2...” Column 7, lines 42-47. Sorensen further states at column 11, lines 40-47:

Beverage containers carried by the plurality of open-faced trays 42 are removed from the trays and transported to the product delivery port 32 by means of a robotic beverage capture and transport assembly, generally indicated at 60 in FIG. 4. The robotic assembly 60 operates within the vend selection space 61 (FIG. 3) which is generally that space or volume between the inner surface of the door 24 and the front surfaces of the front frame members 36a, 37a and 38a.

As is clear from Sorensen’s Figures 3 and 4 and description of the robotic assembly 60, the robotic assembly 60 is mounted on the internal frame assembly shown in Figure 4, and not to the door 24. In fact, the primary purpose of the door 24 is simply to allow the consumer to view the product selection and vending process. Column 3, lines 34-41 and 63-67. The only relation between the robotic assembly 60 and the door 24 is that the robotic assembly 60 delivers the product to the product delivery port 32 in the door 24.

Accordingly, it is respectfully submitted that the invention as recited in claim 28 is patentable over Arai and Peltier, further in view of Herzog, and further in view of Sorensen.

3. Claim 29

On page 5 of the Office Action, claim 29 was rejected under section 103 as being unpatentable over Arai and Peltier, further in view of Laurienzo. This rejection is believed to be

overcome by the amendment of claim 29 to depend from claim 21, for the reasons discussed above with respect to the rejection of claim 21.

### Conclusion

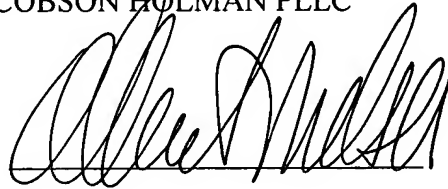
All rejections have been complied with, properly traversed, or rendered moot. Thus, it now appears that the application is in condition for allowance. Should any questions arise, the Examiner is invited to call the undersigned representative so that this case may receive an early Notice of Allowance.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:



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